

## **Limited English Proficiency (LEP) Program Coding and Definitions**

- Please note: these definitions are not in Board rule and specific wording could change. The definitions will most likely be altered slightly when cut scores are determined for the new language proficiency assessment.

**LEP:** This coding refers to a student who is placed in a specific language development program and receives funding for those special services. Not all English language learners (ELLs) will be placed in a specific program, due to being exited, parental waivers, etc.

A student should be considered LEP and provided services if they (1) first of all, have a home language other than English then (2) secondly, score below the proficient level on a language proficiency test, and (3) thirdly, parents do not waive services.

A student should not be considered LEP if their language ability is not significantly influenced by a home language other than English. If a particular student has language difficulties, but it is not because of the influence of another language, then they should not be considered as LEP. Rather, this student should be assessed by some type of “referral” team and given appropriate services for their specific need.

### **Title IX, Section 9101 Definition of Limited English Proficient**

**LEP1:** A student can be coded as LEP1 on the ISAT, if the student is new to a U.S. school within the last 10 months. This federal flexibility allows for a new student, who may not speak English, to have at least a year in a US school before their ISAT – reading/language usage scores are considered in proficiency calculations. If a student has already taken a fall and spring ISAT test as LEP1 then they cannot be coded as LEP1 for the next fall or spring test.

Transferring this definition to the LEP Program, would only mean that these are the LEP students that are coded this way on the ISAT. Kindergarten students do not take the ISAT, therefore would not be considered LEP1.

An LEP1 student is exempt from the ISAT Reading and Language Usage. An LEP1 student must take the ISAT Math assessment, however the student is removed from the proficiency calculations on the Math ISAT.

**LEPX:** This coding refers to an LEP student who has been exited from language development services. It is required that an exited LEP student be monitored for 2 years. Therefore, an LEPX student should be in “monitoring status.” This is a specific code for the ISAT assessment, but can be used within the LEP program for the same definition.

A student should be exited from LEP services once they (1) meet proficiency on a language proficiency assessment and (2) have class work/teacher observations on file that demonstrate their ability to access the content.

If a student does meet the proficient level on a language proficiency assessment, and it is documented that they student is able to access their content classes or meet the advanced/proficient level on the ISAT, then a school may determine to keep the student in the LEP program longer. Specific reasons **MUST** be documented in the student files. Once the new statewide language proficiency assessment is in place, this will most likely change. At that point we will have a better indicator of language proficiency.

**Emergency Immigrant:** The definition of emergency immigrant, for Title III funding purposes, is a student new to a U.S. school within the past year. This can be at any grade K-12, however if Kindergartener has been in the U.S. since they were 2 or 3 years old (or even born in the U.S.), then they would not fit the definition, as they have been in the U.S. for some time. Migrant students, who move with their parents, should also not be considered as emergency immigrants, unless they are arriving into the U.S. for the first time. An emergency immigrant can be from any other country and does not necessarily need to be limited in their English language ability.

The federal formula for the emergency immigrant funding is based on “a significant increase in immigrants in the past year, as compared to the average increase over the previous 2 years”. Therefore, a district will most likely not receive this funding 2 or more years in a row.

## **SEC. 9101. DEFINITIONS**

(25) **LIMITED ENGLISH PROFICIENT-** The term limited English proficient, when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
- (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas;

**and**

- (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

**and**

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.